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**Effective:** August 1, 1997

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**96.00 Utility Accommodation**  
**96.02 Introduction****Supersedes:** March 1, 1992

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By: Director, Bureau of Highway Operations

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## A. Overview of Utility Accommodation

The Department operates the state trunk highway system to provide a safe and convenient means for the vehicular transportation of people and goods, and utility companies provide essential services to the public. Both the Department and utility companies typically provide facilities which consider present as well as future needs. Cooperation between these two entities is essential if the public is to be served at the lowest possible cost consistent with their respective public service needs, obligations, and interests. Although the Department strives to accommodate utility facilities whenever possible, the permitted use and occupancy of highway right-of-way for non-highway purposes is subordinate to the primary interests and safety of the traveling public.

## B. Purpose of the Utility Accommodation Policy

The purpose of the Utility Accommodation Policy is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any highway or bridge over which the Department has maintenance jurisdiction.

The Policy applies to all public and private utilities as defined in 96.01(B) (9) and (13). It also applies to all existing utility facilities retained, relocated, replaced, or altered, and to new utility facilities installed on state right-of-way.

Highway facilities (e.g. lighting, traffic signals, changeable message boards, etc.) operated by the Department for the purpose of ensuring motorist safety shall not be bound by the policies and procedures contained within the Policy.

This Policy was and continues to be developed with integrated sections -- meaning that two or more sections usually need to be read together to fully understand a utility accommodation issue. The reader is cautioned that by reading one section and not the other related sections may lead to misinterpretation of the Policy.

## C. Utility Accommodation Statutes

The Department regulates the use, occupation, and utility accommodation of the state trunk highway system under secs. 66.047, 84.08, 85.15, 86.07(2), 86.16, and 182.017, Wis. Stats.

## D. Utility Accommodation

Typically, the Department utilizes the following policy when handling requests for utility accommodation or managing facilities that are already located on the right-of-way:

### 1. Permits

The Department permits utility facilities on state trunk highways when:

- a. Such use and occupancy does not adversely affect the primary functions of the highways or materially impair their safety, operational, or visual qualities,
- b. There would be no conflict with the provisions of Federal, State or local laws or regulations or the accommodation provisions stated herein, and
- c. The occupancies would not significantly increase the difficulty or future cost of highway construction or maintenance.

A utility shall abide by the current version of the Policy each time a permit is authorized for its work. When future changes are made to the Policy, a existing utility facility is not required to meet the new version unless proposed changes to that facility require a new permit from the Department.

### 2. Additions

Nothing in the Policy shall be construed as limiting the rights of the Department to impose restrictions or requirements in addition to and/or deviations from those stated herein in any permit where the Department deems it advisable to do so. An appropriate explanation for such action should be provided to the utility.

### 3. Alterations

The permitted facilities shall, if necessary, be altered by the utility to facilitate alteration, improvement, safety control, or maintenance of the highway as may be ordered after permit approval. All costs for constructing, maintaining, altering, and relocating the permitted facilities shall be the obligation of the applicant, unless a specific state-executed utility parcel or agreement otherwise provides.